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SUBJECT: SUPREME COURT REOPENS 1987 MURDER CASE AGAINST
FORMER GENERAL

¶1. Summary: On March 6, the Supreme Court ordered the reopening of the investigation of a retired general and two officers for the 1987 massacre of 19 businessmen in Magdalena. New testimony from demobilized paramilitaries in the Justice and Peace process, as well as a ruling by the Inter-American Court on Human Rights, led the Court to reopen a case that had been dismissed by a military court in 1997 for lack of evidence. Six civilians have already been sentenced for their roles in the massacre. End Summary.

Case Reopens - 21 years later

¶2. On March 6, the Supreme Court ordered the reopening of the investigation against retired general Farouk Yanine Diaz and two other retired officers for their alleged roles in the massacre of 19 businessmen in 1987. Yanine was commander of the army's Second Brigade at the time and allegedly collaborated with paramilitaries to kidnap and kill the men in Puerto Boyaca, Magdalena. Retired Major Oscar de Jesus Echandia Sanchez and retired Sergeant Otoniel Hernandez Arciniegas were also reportedly involved. Another military officer, Lieutenant Colonel Navas Rubio, died in June 2002. The Fiscalía had already obtained the conviction of six civilians involved in the massacre. The six were sentenced to 25 years in prison.

¶3. Investigation of Yanine's role in the massacre was delayed for years by procedural disputes over jurisdiction and evidentiary issues. In a controversial decision in 1996, the Supreme Judicial Council transferred jurisdiction from the civilian judiciary to the military criminal justice system. One of the alleged assassins, Alonso Vaquero Agudelo ("Black Vladimir") implicated Yanine, but the military court threw out his testimony. The military court then closed the investigation on June 18, 1997 due to lack of evidence.

¶4. In May 2004, the Inter-American Human Rights Court recommended that Yanine be prosecuted in the civilian justice system for crimes against humanity. The Court also ordered the GOC to pay the victims' families 6 million dollars and to investigate the massacre's intellectual authors. In May 2005, the Fiscalía requested the Procuraduria to file a formal writ of review with the Supreme Court asking it to reopen the court. The Supreme Court ordered the case to be reopened on March 6, 2008,

15. The Supreme Court's decision to reopen the investigation was influenced by recent Justice and Peace Law testimony by two former AUC commanders -- Ivan Roberto Duque Gaviria (aka "Ernesto Baez") and Ramon Isaza ("El Viejo") -- that shed new light on the 1987 massacre. Isaza charged that Yanine was an informant to paramilitaries while he was a colonel in the Barbual Battalion in Magdalena. On March 14, Prosecutor General Mario Iguaran told the press the Supreme Court's ruling showed the Fiscalía "has the capability and conviction to fight impunity." Fiscalía officials are awaiting the official transfer of the case from the Supreme Court, expected within a month. It will then appoint a prosecutor who will determine whether to proceed with new criminal charges.

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